Remarks

Reconsideration of this Application is respectfully requested.

Upon entry of the foregoing amendment, claims 1-41, 44-47, 49, 50, 52-62, 64-93, 96-99, 101, 102, 104-114 and 116-120 are pending in the application, with claims 1, 49, 50, 52, 64, 101, 102, 104 and 116 being the independent claims. Claims 43 and 95 are sought to be cancelled without prejudice to or disclaimer of the subject matter therein. New claims 116-120 are sought to be added. These changes are believed to introduce no new matter, and their entry is respectfully requested.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding objections and rejections and that they be withdrawn.

Rejections under 35 U.S.C. § 112

Paragraph 3 of the Office Action rejects claims 43 and 95 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant respectfully traverses and submits claims 43 and 95 are definite. However, to further expedite prosecution, Applicant canceled claims 43 and 95 without prejudice to or disclaimer of the subject matter therein. Accordingly, the rejection under 35 U.S.C. § 112, second paragraph of claims 43 and 95 is rendered moot.

Rejections under 35 U.S.C. § 103

Paragraph 6 of the Office Action rejects claims 1-5, 8-9, 13-17, 19, 26-28, 30, 35-41, 43, 47, 49-50, 53, 54, 58-60, 64-69, 71, 78-80, 82, 87-91, 92-93, 95, 99, 101-102, 104-106 and 110-112 under 35 U.S.C. § 103 as being unpatentable over U.S. Patent No.

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6,529,985 to Deianov et al. ("Deianov") in view of U.S. Patent No. 6,529,985 to Douglis

et al. ("Douglis"). Applicant respectfully traverses each rejection. Neither Deianov nor

Douglis, whether taken alone or in combination, teach or suggest the claimed invention.

For at least the following reasons, Applicant respectfully requests the Examiner

reconsider and withdraw the rejections.

Claim 1 recites, in part, "wherein the at least one dynamically alterable condition

dependent rule is alterable while the requesting software component is running."

Although the Examiner acknowledges that Deianov does not teach a dynamically

alterable condition dependent rule, wherein the dynamically alterable condition

dependent rule is alterable while the requesting software component is running, the

Examiner asserts that Douglis cures this deficiency. Office Action p. 4. The Examiner

states:

> Howeve r, Douglis teaches dynamically condition dependent rule, wherein
> the at least one dynamically alterable condition dependent rule is alterable
> while the requesting software component is running (In step 118C, the
> user decides to continue, essentially overriding the set
> conditions...information service; col. 7, line 27 - col. 8, line 5 col. 4, lines
> 1-15, col. 5, line 51 - col. 6, line 20).

As set forth below, though Douglis makes a number of determinations, Douglis does not

disclose, teach, or suggest at least one dynamically alterable condition dependent rule

that is alterable while the requesting software component is running.

In column 7, line 27 - column 8, line 5 of Douglis, Douglis describes receiving a

request from a commercial browser. It appears that the Examiner is suggesting that the

request from the browser is the intercepted service request of the claims and that the

browser is or includes the requesting software component. Douglis describes

determining whether the browser request can be satisfied from a cache in the caching

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proxy. There does not appear to be any dynamically alterable condition dependent rules used to make this determination. (Douglis 7:27-36.)

Douglis continues that if the request cannot be satisfied by the cache, a budget monitor determines whether the network is available and if budget constraints are met. (Douglis 7:36-42.) Although the budget constraints of Douglis appear to be based on characteristics (Douglis 7:42-50), variables and pre-specified budget requirements, Douglis does not appear to disclose that the budget constraints are dynamically alterable condition dependent rules that are alterable while the requesting software component is running.

Douglis then determines if the information is to be cached. (Douglis 7:50-59.) There does not appear to be any dynamically alterable condition dependent rules used to make this determination.

Douglis then notifies the user and gives the user the option of canceling, postponing, or continuing the request. (Douglis 7:59-67.) The Examiner specifically refers to step 118C and quotes a portion of Douglis stating, "user decides to continue, essentially overriding the set conditions...information service." Office Action p. 4. It is not clear how enabling a user deciding to continue to proceed to obtain information constitutes a dynamically alterable condition dependent rule that is alterable while the requesting software component is running. Though Douglis states that the user is "essentially overriding the set conditions," in line 66, this does not mean that a rule is actually being modified. In fact, the user here is merely canceling, postponing or continuing a request.

In column 8, lines 1-5, Douglis states that "the present invention allows a user to manage time/cost requirements regardless of whether the user is connected over costly

wireless networks and telephone networks or over slow heavily loaded local area networks and wide area networks, or when accessing slow information servers." Though Douglis states a user can manage time/cost requirements, this summary statement still does not teach or suggest dynamically alterable condition dependent rules that are alterable while the requesting software component is running.

Douglis states in column 4, lines 3-8:

> ...dynamic customization and configuration settings that can change values automatically as an effect of changing conditions of use. The architecture of the system provides simplicity, predictability and flexibility, allowing a user to fully customize operations while supporting commercial browsers.

Though Douglis mentions dynamic customization and configuration settings that can change values automatically, Douglis does not teach evaluating an intercepted service request based on at least one dynamically alterable condition dependent rule ... wherein the at least one dynamically alterable condition dependent rule is alterable while the requesting software component is running. Though dynamic customization may take place based on rules or changing conditions, it does not mean that the rules themselves are dynamically alterable condition dependent rules.

Douglis column 5, line 51 to column 6, line 20 appears to describe a user modifying the behavior of a communications manager by "specifying preferred network interfaces and configuring their costs by setting TeleWeb variables." However, specifying networks and setting variables do not appear to disclose, teach or suggest evaluating an intercepted service request based on at least one dynamically alterable condition dependent rule ... wherein the at least one dynamically alterable condition dependent rule is alterable while the requesting software component is running.

Consequently, Douglis and Deianov, whether taken alone or in combination, do not disclose, teach or suggest "evaluating the intercepted service request based on at least one dynamically alterable condition dependent rule ... wherein the at least one dynamically alterable condition dependent rule is alterable while the requesting software component is running," as recited in claim 1.

Independent claims 49, 50, 52, 64, 101, 102, 104 and 116 also recite "evaluating the service request based on at least one dynamically alterable condition dependent rule ... wherein the at least one dynamically alterable condition dependent rule is alterable while the requesting software component is running" and are patentable over Deianov in view of Douglis. Dependent claims 2-5, 8-9, 13-17, 19, 26-28, 30, 35-39, 40-41, 44-47, 53-54, 58-60, 65-69, 71, 78-80, 82, 87-91, 92-93, 96-99, 105-106 and 110-112 are likewise patentable for at least the same reasons as the respective claims from which they depend and further in view of their own features.

Accordingly, for at the above reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of independent claims 1, 49, 50, 52, 64, 101, 102 and 104, and corresponding dependent claims 2-5, 8-9, 13-17, 19, 26-28, 30, 35-39, 40-41, 44-47, 53-54, 58-60, 65-69, 71, 78-80, 82, 87-91, 92-93, 96-99, 105-106, and 110-112. Claims 43 and 95 have been canceled.

Paragraph 7 of the Office Action rejects claims 44-46 and 96-98 under 35 U.S.C. § 103 as being unpatentable over Deianov in view of Douglis and further in view of U.S. Patent Publication No. 2002/0091798 A1 to Joshi et al. ("Joshi"). Applicant respectfully traverses each rejection. Although the Examiner acknowledges that Deianov and Douglis do not teach modifying the at least one dynamically alterable condition

dependent rule in response to behavior of the software component, as recited in claims 44 and 96, the Examiner asserts that Joshi's paragraph [0103] cures these deficiencies. Office Action p. 12. Though Joshi describes updating policy domain changes "in response to subsequent policy changes for cache flushing purposes" in paragraph [0103], Joshi does not appear to cure the deficiencies of Deianov and Douglis. It is not clear that the policy changes are a result of the behavior of the requesting software component. Policy changes in Joshi appear in this paragraph to be made by an administrator, which is not a requesting software component. Furthermore, claims 44 and 96 depend from independent claims 1 and 64, respectively, which are patentable, as described above. Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of independent claims 44 and 96 and corresponding dependent claims 45-46 and 97-98 as set forth in paragraph 7 of the Office Action.

Paragraph 8 of the Office Action rejects claims 6-7 and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Douglis and further in view of Admitted Prior Art (APA). Applicant respectfully traverses each of the rejections made with respect alleged APA.

Claims 6-7 and 10-12 ultimately depend from independent claim 1. Even assuming, *arguendo*, that the alleged APA relied upon in paragraph 8 of the Office Action constitutes prior art and may be combined with Deianov and Douglis, this alleged APA still does not overcome all of the deficiencies of Deianov and Douglis relative to claim 1, described above. For at least these reasons, and further in view of their own respective features, claims 6-7 and 10-12 are patentable over Deianov, Douglis, and APA, taken alone or in combination. Accordingly, Applicant respectfully requests the

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Examiner reconsider and withdraw the rejection of claims 6-7 and 10-12 as set forth in paragraph 8 of the Office Action.

Paragraph 9 of the Office Action rejects claims 20-23, 31-32, 55, 72-75, 83-84, and 107 under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Douglis and further in view of U.S. Patent No. 6,587,888 to Chieu et al. ("Chieu"). For at least the following reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejections.

Claims 20-23 and 31-32 depend ultimately from independent claim 1, claim 55 depends ultimately from independent claim 54, claims 72-75 and 83-84 depend ultimately from independent claim 64, and claim 107 depends ultimately from independent claim 104. Contrary to the assertion of the Examiner, Chieu does not overcome all of the deficiencies of Deianov and Douglis relative to claims 1, 54, 64, and 104, described above. For at least these reasons, claims 20-23, 31-32, 55, 72-75, 83-84, and 107 are patentable over the combination of Deianov, Douglis, and Chieu.

Claims 20-23, 31-32, 55, 72-75, 83-84, and 107 are also independently patentable. For example, regarding claims 20, 31 and 55, in paragraph 9 of the Office Action, the Examiner asserts that Chieu discloses "allowing code that executes in response to interception of the service request to access alternative data, different from requested data." Chieu does not disclose, teach, or suggest all of the features recited in claims 20, 31 and 55. Chieu in col. 5, lines 41-43, describes that "control is passed to the interceptor's own access denied function." As access is denied, Chieu does not disclose access to alternative data but rather no data. Claims 72 and 83 recite, in part, "allowing code that executes in response to receipt of the service request to access alternative data,

different from requested data." Claims 72 and 83 are patentable for at least the reasons provided for claims 20, 31 and 55.

Furthermore, claims 21 and 73 recite, in part, "the alternative data comprises a copy of at least some requested data." Claims 32 and 84 recite, in part, "the alternative data comprises a copy of at least some data." Chieu does not disclose, teach or suggest the features recited in claims 21, 32, 73 and 84. Chieu's "access denied function" is not a "copy of at least some data" because Chieu does not disclose access to data and, separately, a copy of the data. In regard to claims 21 and 73, Chieu's "access denied function" is certainly not "at least some requested data" as access to the requested data is denied. It is not foreseeable that the requested data would be an access denied function. Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claims 20-23, 31-32, 55, 72-75, 83-84, and 107, as set forth in paragraph 9 of the Office Action, further in view of their own respective features.

Paragraph 10 of the Office Action rejects claims 18, 29, 61, 70, 81, and 113 under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Douglis and Chieu and further in view of U.S. Patent No. 5,764,985 to Smale ("Smale"). For at least the following reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejections.

Claims 18 and 29 depend ultimately from independent claim 1, claim 61 depends ultimately from independent claim 54, claims 70 and 81 depend ultimately from independent claim 64, and claim 113 depends ultimately from independent claim 104. Smale does not overcome all of the deficiencies of Deianov, Douglis, and Chieu relative to claims 1, 54, 64, and 104, described above. For at least these reasons, and further in

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view of their own respective features, claims 18, 29, 61, 70, 81, and 113 are patentable over the combination of Deianov, Douglis, Chieu, and Smale. Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claims 18, 29, 61, 70, 81, and 113 as set forth in paragraph 10 of the Office Action.

Paragraph 10 of the Office Action rejects claims 24-25, 56-57, 76-77, and 108-109 under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Douglis further in view of U.S. Patent No. 5,537,548 to Fin ("Fin"). For at least the following reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection.

Claims 24-25 depend ultimately from independent claim 1, claims 56-57 depend ultimately from independent claim 54, claims 76-77 depend ultimately from independent claim 64, and claims 108-109 depend ultimately from independent claim 104. Fin does not overcome all of the deficiencies of Deianov and Douglis relative to claims 1, 54, 64, and 104, described above. For at least these reasons, and further in view of their own respective features, claims 24-25, 56-57, 76-77, and 108-109 are patentable over the combination of Deianov, Douglis, and Fin. Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claims 24-25, 56-57, 76-77, and 108-109 as set forth in paragraph 11 of the Office Action.

Paragraph 12 of the Office Action rejects claims 33-34, 62, 85-86, and 114 under 35 U.S.C. § 103(a) as being unpatentable over Deianov in view of Douglis further in view Smale. For at least the following reasons, Applicant respectfully requests the Examiner reconsider and withdraw the rejection.

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Claims 33-34 depend ultimately from independent claim 1, claim 62 depends ultimately from independent claim 54, claims 85-86 depend ultimately from independent claim 64, and claim 114 depends ultimately from independent claim 104. Smale does not overcome all of the deficiencies of Deianov and Douglis relative to claims 1, 54, 64, and 104, described above. For at least these reasons, and further in view of their own respective features, claims 33-34, 62, 85-86, and 114 are patentable over the combination of Deianov, Douglis, and Smale. Accordingly, Applicant respectfully requests the Examiner reconsider and withdraw the rejection of claims 33-34, 62, 85-86, and 114 as set forth in paragraph 12 of the Office Action.

Conclusion

All of the stated grounds of objection and rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider all presently outstanding objections and rejections and that they be withdrawn. Applicant believes that a full and complete reply has been made to the outstanding Office Action and, as such, the present application is in condition for allowance. If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Prompt and favorable consideration of this Amendment and Reply is respectfully

requested.

Respectfully submitted,

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